

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
: Plaintiff, :
: :
: -against- :
: :
ROBERT J. MCDONALD :
a/k/a ROBERTO MCDONALD, :
: Defendant, :
: :
and :
CHASE BANK, :
: :
Garnishee. :
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ORDER

05-CV-5951 (DLI)

DORA L. IRIZARRY, United States District Judge:

On February 16, 2007, this court issued a default judgment against defendant Robert J. McDonald, a/k/a Roberto McDonald, in the amount of \$91,484.46, for a Department of Health & Human Services loan. (Docket No. 7.) Pursuant to this judgment, plaintiff, the United States of America, brings the instant request for an Order of Garnishment in the amount of \$101,999.41, which includes interest computed through May 26, 2009. (Decl. for Order of Garnishment at 2.)

The Writ of Garnishment was duly issued and served upon garnishee Chase Bank on April 23, 2009. (Docket No. 16-3.) Garnishee filed an answer on May 4, 2009, stating that as of the date of service, it had “custody, control or possession” of “property (non-earnings) in which the Debtor maintains an interest.” (Answer at 2.) Specifically, garnishee stated that defendant was joint owner of a checking account. (*Id.* at 3.) According to plaintiff, the other owner was Diana Redondo, believed to be defendant’s wife. (Decl. for Order of Garnishment at 2.) Defendant himself was served the Writ of Garnishment on May 5, 2009. (Docket No. 16-3.)

Defendant was notified of his right to a hearing to determine exempt property, and has not so requested as of the date of this Order.

Accordingly, it is hereby ordered that garnishee pay to plaintiff one-half (1/2) of all sums presently on deposit in defendant's aforementioned account, not to exceed \$101,999.41. It is further ordered that plaintiff's counsel shall serve a copy of this Order on defendant, on Diana Redondo, and on garnishee, by certified mail, and provide proof thereof to the court via ECF.

SO ORDERED.

DATED: Brooklyn, New York
 February 2, 2010

/S/
DORA L. IRIZARRY
United States District Judge